

REMARKS

The Examiner rejected claims 56-78. Applicants respectfully request reconsideration and allowance of claims 56-78.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 56-60 and 63-78 under 35 U.S.C. § 103(a) as being obvious over Ospinal *et al.* (U.S. Pat. No. 5,965,508) in view of Sherry *et al.* (U.S. 5,962,388) for the reasons of record. The Examiner also rejected claims 61 and 62 under 35 U.S.C. § 103(a) as being obvious over Ospinal *et al.* further in view of Gray *et al.* (U.S. Pat. No. 5,269,960) for the reasons of record. In response to Applicants' Response file February 24, 2003, the Examiner stated that "Applicant is arguing intended use of the composition." The Examiner also stated that "the compositions taught by Ospinal et al. do not exclude liquid automatic dishwashing detergents from their teaching of dishwashing pastes and gels."

Applicants respectfully disagree. Claims 56-78 are directed to liquid automatic dishwashing detergents. A person having ordinary skill in the art at the time Applicants filed would have known that liquid automatic dishwashing detergents are different from hand dishwashing detergents. In fact, as outlined in a Declaration signed by James L. Kurtz, liquid automatic dishwashing detergents are fundamentally different from hand dishwashing detergents. In fact, hand dishwashing detergents and liquid automatic dishwashing detergents are used in different manners. For example, hand dishwashing detergents are dispensed by hand into an open bath at moderate temperature with moderate agitation provided by hand action, while liquid automatic dishwashing detergents are dispensed automatically in an enclosed chamber at high temperature with vigorous spraying action. See, paragraph 6 of James L. Kurtz's Declaration. In addition, liquid automatic dishwashing detergents and hand dishwashing detergents possess different properties. For example, stable foam is a desirable property of hand dishwashing detergents, and an undesirable property of liquid automatic dishwashing detergents. See, paragraph 6 of James L. Kurtz's Declaration. Liquid automatic dishwashing detergents and hand dishwashing detergents also contain different ingredients. The predominant ingredients in hand

dishwashing detergents are high foaming anionic surfactants. In contrast, liquid automatic dishwashing detergents typically contain low levels of nonionic surfactants or amphoteric surfactants and are generally free of anionic surfactants. See, paragraph 6 of James L. Kurtz's Declaration. Moreover, liquid automatic dishwashing detergents and hand dishwashing detergents are rarely, if ever, used interchangeably. In fact, major manufacturers of hand dishwashing detergents and liquid automatic dishwashing detergents often provide warning labels instructing consumers not to contact their skin with the liquid automatic dishwashing detergent and not to place hand dishwashing detergents into dishwashing machines. See, paragraph 6 of James L. Kurtz's Declaration. Taken together, a person having ordinary skill in the art at the time of filing would have (1) appreciated that hand dishwashing detergents and liquid automatic dishwashing detergents are different and (2) been able to distinguish hand dishwashing detergents from liquid automatic dishwashing detergents.

A person having ordinary skill in the art also would have appreciated that the Ospinal *et al.* reference does not relate to liquid automatic dishwashing detergents. The Ospinal *et al.* reference discloses preparation of "mild personal cleansing and/or laundry detergent bars." See, col. 1, lines 7-9. To highlight the fact that the Ospinal *et al.* reference does not relate to liquid automatic dishwashing detergents, Ospinal *et al.* repeatedly discuss that their compositions are "mild to the skin" and have "good lathering properties." See, the section from col. 2, line 66 to col. 3, line 3. For example, Ospinal *et al.* discuss the inclusion of "skin-feel" ingredients (e.g., skin softening and/or moisturizing agents). See, col. 16, lines 19-21. Clearly, such agents would be incorporated into hand dishwashing detergents, but are irrelevant for liquid automatic dishwashing detergents. In addition, as stated in James L. Kurtz's Declaration, mild is a term rarely, if ever, used in connection with liquid automatic dishwashing detergents. See, paragraph 7 of James L. Kurtz's Declaration.

Moreover, the main ingredients in the Ospinal *et al.* compositions are anionic surfactants. In fact, as much as 99% of each Ospinal *et al.* composition can be an anionic surfactant. See, col. 3, lines 47-51; col. 4, lines 33-36; and col. 5, lines 14-17. As outlined in paragraph 7 of James L. Kurtz's Declaration, anionic surfactants, particularly at such high levels, are not used to

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make liquid automatic dishwashing detergents. Thus, a person having ordinary skill in the art would have appreciated that the Ospinal *et al.* reference does not relate to liquid automatic dishwashing detergents.

Taken together, it is clear that the Ospinal *et al.* reference fails to teach or suggest any liquid automatic dishwashing detergent, let alone a liquid automatic dishwashing detergent having at least one detergent enzyme, at least one xanthan gum, and a pH less than about 6.8. In addition, as explained previously, the Sherry *et al.* and Gray *et al.* references fail to cure the deficiencies of the Ospinal *et al.* reference.

In light of the above, Applicants respectfully submit that the combination of cited references is improper and request withdrawal of the rejection of claims 56-78 under 35 U.S.C. § 103(a).

CONCLUSION

Applicants submit that claims 56-78 are in condition for allowance, which action is requested. The Examiner is invited to call the undersigned agent at the telephone number below if such will advance prosecution of this application. The Commissioner is authorized to charge any fees or credit any overpayments to Deposit Account No. 06-1050.

Respectfully submitted,

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J. Patrick Finn III, Ph.D.
Reg. No. 44,109

Fish & Richardson P.C., P.A.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696